

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO**

In re:

THE FINANCIAL OVERSIGHT AND
MANAGEMENT BOARD FOR PUERTO RICO,

as representative of

THE COMMONWEALTH OF PUERTO RICO, *et*
al.,

Debtors.¹

PROMESA

Title III

No. 17 BK 3283-LTS

(Jointly Administered)

**NOTICE OF CORRESPONDENCE REGARDING THE EIGHTIETH OMNIBUS
OBJECTION (NON-SUBSTANTIVE) OF THE COMMONWEALTH OF PUERTO
RICO, PUERTO RICO HIGHWAYS AND TRANSPORTATION AUTHORITY, AND
EMPLOYEES RETIREMENT SYSTEM OF THE GOVERNMENT OF THE
COMMONWEALTH OF PUERTO RICO TO INDIVIDUAL PROOFS OF CLAIM NOS.
52668 AND 13397.**

To the Honorable United States District Judge Laura Taylor Swain:

1. On October 24, 2019, the Commonwealth of Puerto Rico (the “Commonwealth”), the Puerto Rico Highways and Transportation Authority (“HTA”), and the Employees Retirement System of the Government of the Commonwealth of Puerto Rico (“ERS”), by and through the Financial Oversight and Management Board for Puerto Rico (the “Oversight Board”), as the sole representative of the Commonwealth, HTA and ERS (collectively, the “Debtors”) pursuant to Section 315(b) of the *Puerto Rico Oversight, Management, and Economic Stability Act*

¹ The Debtors in these Title III Cases, along with each Debtor’s respective Title III case number and the last four (4) digits of each Debtor’s federal tax identification number, as applicable, are the (i) Commonwealth of Puerto Rico (Bankruptcy Case No. 17-BK-3283- LTS) (Last Four Digits of Federal Tax ID: 3481); (ii) Puerto Rico Sales Tax Financing Corporation (“COFINA”) (Bankruptcy Case No. 17-BK-3284-LTS) (Last Four Digits of Federal Tax ID: 8474); (iii) Puerto Rico Highways and Transportation Authority (“HTA”) (Bankruptcy Case No. 17-BK-3567-LTS) (Last Four Digits of Federal Tax ID: 3808); (iv) Employees Retirement System of the Government of the Commonwealth of Puerto Rico (“ERS”) (Bankruptcy Case No. 17-BK-3566-LTS) (Last Four Digits of Federal Tax ID: 9686); (v) Puerto Rico Electric Power Authority (“PREPA”) (Bankruptcy Case No. 17- BK-4780-LTS) (Last Four Digits of Federal Tax ID: 3747); and (vi) Puerto Rico Public Buildings Authority (“PBA”) (Bankruptcy Case No. 19-BK-5523-LTS) (Last Four Digits of Federal Tax ID: 3801) (Title III case numbers are listed as Bankruptcy Case numbers due to software limitations).

(“PROMESA”),² filed the *Eightieth Omnibus Objection of the Commonwealth of Puerto Rico, Puerto Rico Highways and Transportation Authority, and Employees Retirement System of the Government of the Commonwealth of Puerto Rico to Deficient Claims Asserting Interests Based on Salary Demands, Employment, or Services Provided* (the “Eightieth Omnibus Objection”) to various proofs of claim.

2. The Eightieth Omnibus Objection seeks to disallow certain deficient claims (the “Deficient Claims”) which purport to assert liabilities arising from salary or other compensation owed in connection with employment, pensions, or services provided by the claimant, but fail to provide critical information, such as the specific services provided, the salary accrued but unpaid, or other information needed to understand what liabilities any of the Commonwealth, HTA, ERS, or any other Title III Debtor may owe.

3. The Debtors received the attached correspondence from Rene Malpica Ortiz (“Malpica Ortiz”), a copy of which is attached hereto as Exhibit A (the “Malpica Ortiz Response”), regarding Proof of Claim No. 52668 (the “Malpica Ortiz Claim”), and Elena Luna Colón (“Luna Colón”), a copy of which is attached hereto as Exhibit B (the “Luna Colón Response,” and together with the Malpica Ortiz Response, the “Responses”), regarding Proof of Claim No. 13391 (the “Luna Colón Claim,” and together with the Malpica Ortiz Claim, the “Claims”). Certified translations of the Malpica Ortiz Response and the Luna Colón Response are attached hereto as Exhibits A-1 and B-1, respectively.

4. The Malpica Ortiz Response contains a copy of a partially-completed Mailing,³ which, as set forth in the Eightieth Omnibus Objection, was mailed to claimants whose claims did

² PROMESA is codified at 48 U.S.C. §§ 2101-2241.

³ Capitalized terms used but not defined herein shall have the meanings ascribed to them in the Eightieth Omnibus Objection.

not provide critical information, such as the specific services provided, the salary accrued but unpaid, or other information needed to understand what liabilities the Commonwealth, HTA, ERS, or any other Title III debtor might owe. The Malpica Ortiz Response purports to assert liabilities arising from pending litigation. However, the Malpica Ortiz Response does not identify any pending litigation which might give rise to liabilities owed to Cruz Aviles. Instead, it identifies the name of the pending litigation as “PROMESA Título III Núm. 17 BK 3283-LTS,” which is the case number of the Commonwealth’s Title III case. Accordingly, the Debtors have determined that the Malpica Ortiz Response still does not provide sufficient information to enable the Debtors to reconcile the Malpica Ortiz Claim.

5. The Luna Colón Response contains a copy of Luna Colón’s proof of claim form, as well as a printed copy of a “Creditor Data Details” page from Prime Clerk, LLC’s website. The Debtors have therefore determined that the Luna Colón Response also does not provide sufficient information to enable the Debtors to reconcile the Luna Colón Response.

6. Accordingly, the Debtors respectfully request that the Court grant the Eightieth Omnibus Objection and disallow the Claims, notwithstanding the Responses.

Dated: October 22, 2020
San Juan, Puerto Rico

Respectfully submitted,

/s/ Hermann D. Bauer

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